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CALIFORNIA PACIFIC LABS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA PACIFIC LABS, INC., a California corporation,	) Case No. C 02 01481 JF
)
	) AMENDED NOTICE OF MOTION
	) FOR PRELIMINARY
Plaintiff	) INJUNCTION
)
	) DATE: June 24, 2002
vs.	) TIME: 10:00 a.m.
	) DEPT.: Courtroom 3
	) BEFORE: The Honorable
	) Jeremy Fogel
)
NALGE NUNC INTERNATIONAL, CORPORATION; a Delaware Corporation; APOGENT TECHNOLOGIES, Inc.	) Attached Papers:) Memorandum) of Law; Proposed Order;) Affidavits of Ron Najafi,) John Soderquist, Larry) Truesdale, William Leong
Defendants.	) Kayvon Jalali

PLEASE TAKE NOTICE that on June 24, 2002 at 10:00 a.m. in Courtroom 3 of the above-captioned Court, plaintiff will move this Court for an Order for Preliminary Injunction based on Rule 65 of the Federal Rules of Civil Procedure against defendants NALGE NUNC INTERNATIONAL CORPORATION (hereinafter referred to as "NALGE") and APOGENT TECHNOLOGIES, INC. (hereinafter referred to as "APOGENT" enjoining and restraining

1 defendants, their attorneys, and all those in active concert or
2 participation with them from manufacturing, marketing, selling,
3 promoting, advertising in any media, including the World Wide
4 Web, importing and/or exporting that product defendants call
5 the Safety Waste Funnel or any product that is similar to
6 plaintiff's product entitled the Eco-Funnel on the grounds that
7 defendants' design is confusingly similar to plaintiffs, that
8 defendants have converted plaintiff's trade secrets to their
9 own economic advantage, that defendants are competing unfairly
10 with plaintiffs and that defendants are engaged in a scheme of
11 false advertising regarding plaintiff's product.

12 This motion is further based on the facts set forth in the
13 Complaint, in the arguments set forth in plaintiff's
14 Memorandum of Law, the affidavits and the exhibits (co-
15 defendants NALGE's own contract contains a provision for an
16 injunction should it violate the non-disclosure agreement)
17 filed herewith:

18 1. Unless defendants are enjoined and restrained as
19 aforesaid, plaintiff will suffer irreparable and immediate
20 harm, injury and damage in that plaintiff has already
21 demonstrated that over a period of less than six months,
22 plaintiff has lost and will continue to lose profits from the
23 sale of its invention by defendants and plaintiff's reputation
24 is further being irreparable harmed in that defendants'
25 confusingly similar product is marketed through the same trade
26 channels, i.e. to university research laboratories,
27 pharmaceutical companies and research scientists. It is alleged
28 that defendants' product, entitled the Safety Waste Funnel, is

1 an inferior product to that of plaintiff's product, the Eco-
 2 Funnel for which plaintiff obtained a patent.

3 Plaintiff has established likelihood of confusion by
 4 presenting sworn testimony in the form of affidavits which
 5 support the element of confusion in the marketplace. Plaintiff
 6 has further established that it is likely to prevail on the
 7 merits. Plaintiff has further established that defendants have
 8 converted plaintiff's trade secrets to their own use in
 9 violation of the Uniform Trade Secrets Act upon which this
 10 Notice is also based.

11 As all of the evidence demonstrates, absent an injunction,
 12 plaintiff has no adequate remedy at law.

13 Said motion is based on the verified Complaint on file
 14 herein, the exhibits attached thereto, the affidavits submitted
 15 herewith, including the affidavit of Ron Najafi, Ph.D., Larry
 16 Truesdale, Ph.D. William Leong, Ph.D., John Soderquist, Ph.D.
 17 Kayvon Jalali, Ph.D.

18 This motion will further be based on the oral and written
 19 testimony presented at the time of the hearing and on any other
 20 papers filed with this Court.

21 ARIA LAW COMPANY

23 Dated: May 19, 2002

By:

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